

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNION KITCHEN, LLC

Employer

Case 05-RC-289626

UNITED FOOD AND COMMERCIAL  
WORKERS UNION LOCAL 400  
A/W UNITED FOOD AND  
COMMERCIAL WORKERS UNION,  
AFL-CIO

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's "Report on Determinative Challenged Ballots and Order Directing the Opening and Counting of Certain Challenged Ballots" is denied.<sup>1</sup>

LAUREN McFERRAN,

CHAIRMAN

JOHN F. RING,

MEMBER

DAVID M. PROUTY,

MEMBER

Dated, Washington, D.C., June 16, 2022.

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<sup>1</sup> We have treated the Regional Director's "report" as a decision on challenged ballots. In denying review, we observe that the Employer's argument that three voters' ballots were not received prior to the count has not been properly raised to the Regional Director or to the Board. As this argument does not concern any challenges to the ballots of employees who did vote, the proper way for the Employer to raise this issue would have been through the objections procedure. The Employer did not, however, file any timely objections within five business days of the issuance of the Tally of Ballots. Accordingly, this issue was not properly raised to the Regional Director and therefore is not properly before the Board. See Secs. 102.67(e) and 102.69(a)(8) of the Board's Rules and Regulations.